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May 3, 2012

Acton Zoning Board of Appeals  
Acton Town Hall  
472 Main Street  
Acton, MA 01720

RE: Comprehensive Permit Issued to Acton Housing Authority, Board of  
Appeals Decision #10-08 – Request for Modification/Transfer

Dear Members of the Zoning Board of Appeals:

This firm represents the Acton Housing Authority regarding the McCarthy Village II project (the “Project”). By letter dated April 2, 2012, the Acton Housing Authority requested a number of minor modifications to the Comprehensive Permit issued on October 12, 2010 (the “Comprehensive Permit”). The purpose of this letter is to request an additional modification to the Comprehensive Permit.

Specifically, the Acton Housing Authority requests transfer of the Comprehensive Permit from the Acton Housing Authority to AHA LLC, an instrumentality of the Acton Housing Authority formed under the powers given to the Acton Housing Authority pursuant to M.G.L. Chapter 121B, Section 26(m). The transfer to the newly-created entity, AHA LLC, is required to satisfy requirements by lenders that the borrower for this Project be distinct from the owner of the existing public housing development. We have accomplished this separation by creating AHA LLC, which will ground lease the Project land from the Acton Housing Authority. AHA LLC’s sole managing member will be the Acton Housing Authority; AHA LLC will be wholly owned and controlled by the Acton Housing Authority.

Pursuant to 760 CMR 56.05(12)(b), a Comprehensive Permit may be transferred prior to substantial completion of a project, upon written confirmation from the Subsidizing Agency that the transferee is a public agency, that the project shall be funded by a Subsidizing Agency, and upon written notice to the Board. We will provide confirmation from the Subsidizing Agency regarding AHA LLC’s status as a public agency and confirming the Project’s funding.

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We look forward to meeting with you on May 14, 2012. In the meantime, if you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Silman', with a stylized, cursive script.

Ruth H. Silman

cc: Kelley Cronin (via email)  
Rebecca Mautner (via email)